IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11309 of 1998

Between:

P. Devadattam S/o. late Jeeva Ratnam
aged about 66 yrs,retired Lecturer

Resident of Guntur.

..... PETITIONER

AND

1 The Director/ Commissioner of Collegiate Education,

Govt. of A.P., Hyderabad.

2 V.S.R. & N.V.R. College, Tenali, Guntur District,

rep. by its Secretary and Correspondent.

3 The Government of A.P., rep. by its Principal Secretary,

Education Dept., Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the Ist respondent in not counting the services rendered by the petitioner from 28.08.1969 to 21.06.1970 in the 2nd respondent College as aided service, and rejecting the request in L.Dis.No.2287/UGC.4/97, dated 11.02.1998 as illegal, arbitrary and against the provisions of the Article 14 of the Constitution of India and consequently direct the respondents to count the period from 28.08.1969 to

21.06.1970 as aided service for the purpose of granting Career Advancement Scheme and for pension and direct release of the arrears etc.,

Counsel for the Petitioner: MR.P.V.S.S.RAMA RAO
Counsel for the Respondents.1 and 3: GP FOR HIGHER EDUCATION
Counsel for the Respondent No.2: None appeared.

The Court made the following:

ORDER

Heard the learned counsel for the petitioner and also the learned Government Pleader.

In this Writ Petition, the petitioner seeks writ of Mandamus declaring the action of the 1st respondent in not counting the services rendered by him from 28-8-1969 to 21-6-1970 in the 2nd respondent college as aided service and also the impugned proceedings dated 11-2-1998 as invalid.

In support, the learned counsel placed reliance on the unreported Division Bench Judgment of this Court in W.A.No.932 of 1997 dated 8-9-1997 wherein in the similar circumstances it was held by this Court that the services rendered in the post prior to their admission to aid would have to be taken into consideration for computation for the purpose of eligibility for special Grade Posts.

Following the same, the Writ Petition is accordingly allowed. No costs.

10-12-2004

Hsd

That Rule nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Friday, the Tenth day of December, 2004.

Asst. Registrar

To

1 The Director/ Commissioner of Collegiate Education,

Govt. of A.P., Hyderabad.

2 The Secretary and Correspondent,V.S.R. & N.V.R. College, Tenali, Guntur District,

3 The Principal Secretary, Government of A.P.,

Education Dept., Secretariat Buildings, Hyderabad.

4. 2 C. Cs to G.P. for Higher Education, High Court of A.P. High Court buildings, Hyderabad (OUT)

5. 2 C.D. copies.